

REMARKS

Applicant thanks the Examiner for the thorough examination of the present application, and respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action dated January 15, 2009 (“Office Action”), claims 1-26 were pending. Of these, claims 15-20 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Upon entry of this response, claims 1-26 will be pending for examination.

I. 35 U.S.C. § 112, First Paragraph

The Office Action rejects claims 15-20 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action asserts that the specification does not provide support for “a computer program product.” Although Applicant does not agree with or acquiesce to this assertion, in the interest of advancing prosecution, Applicant has amended claims 15-20 to recite a “program memory.” Because a “program memory” is expressly recited in paragraphs [0110]-[0114] of the specification, Applicant respectfully submits that the term complies with the written description requirement, and therefore the rejection has been overcome and should be withdrawn.

II. 35 U.S.C. § 112, Second Paragraph

The Office Action as rejects claims 15-20 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. More specifically, the Office Action asserts that the use of the term “computer program product” renders the claim indefinite. Although Applicant does not agree with this assertion, as discussed above, claims 15-20 have been amended to recite a “program memory” instead of a “computer program product.” Because the metes and bounds of this term are discussed, e.g., in paragraphs [0110]-[0114] of the specification, Applicant respectfully submits that rejection has been overcome and should be withdrawn.

III. 35 U.S.C. § 101

The Office Action rejects claims 15-20 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office Action asserts that the claimed computer readable storage medium may be interpreted as a signal or waveform. The Office Action suggests overcoming the rejection by adding “non-transitory” to the claim element. In response to this suggestion, Applicant has amended claims 15 and 16 to recite “a non-transitory memory.” Because this amendment is in accordance with the Examiner suggestion, as well as, e.g., paragraphs [0113] and [0114] of the specification, Applicant respectfully submits that the rejection has been overcome and should therefore be withdrawn.

IV. 35 U.S.C. § 103(a)

The Office Action rejects claims 1-5, 7-11, 13-19, and 21-25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,362,742 (“Siddiqi”) in view of U.S. Patent Publication No. 2003/0012202 (“Fukutomi”). In addition, the Office Action rejects claims 6, 12, 20, and 26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Siddiqi, Fukutomi, and U.S. Patent Publication No. 2005/0060576 (“Kime”). Applicant traverses these rejections for at least the reasons set forth below.

With regard to independent claims 1, 2, 7, 8, 15, 16, 21, and 22, the Office Action correctly acknowledges that “Siddiqi fails to explicitly recite ‘an address of which a transfer destination is a port bound to a wireless interface from said packet transfer information.’” (*See, e.g.,* Office Action at 6.) The Office Action asserts, however, that Fukutomi discloses this claim element at “Fig. 2 & Fig. 4 & Paragraph [0032]-[0034]” (*see, e.g.,* Office Action at 6 and 7), and further that it would have been obvious to one of ordinary skill in the art to modify the invention of Siddiqi to incorporate the teachings of Fukutomi. Applicant respectfully disagrees. Fukutomi does not disclose extracting an address of which a transfer destination is a *port bound to a wireless interface*.

Fukutomi discloses “a network interconnection method by a combination of tag-VLAN and multicast delivery.” (Fukutomi at para. [0001].) More precisely and with respect to unicast forwarding, Fukutomi recites that a unicast forwarding “table consists of destination IP addresses indicating destination receiver hosts, subnet masks, the output ports of the LAN interface 11a to which the subordinate routers reaching the receiver hosts are connected, and output VLAN’s indicating the identification numbers of VLAN’s to which packets having the respective destination IP addresses belong.” (Fukutomi at para. [0034]; emphasis added.) Hence, Fukutomi discloses a table that includes the destination IP address and the output port of the LAN interface.

In stark contrast to the teachings of Fukutomi, independent claims 1, 2, 7, 8, 15, 16, 21, and 22 recite extracting “an address of which a transfer destination is a port bound to a wireless interface.” (Emphasis added). That is, the independent claims of the present application estimate or determine that a terminal exists as a subordinate of the access point from a correspondence between the wireless interface of the access point and the address of the transfer destination. The claims are not directed to corresponding a LAN interface and the destination (as disclosed in Fukutomi), but rather to corresponding a wireless interface and the transfer destination, thereby making it possible to execute communication without employing information peculiar to the vendor since the address of which the transfer destination is the wireless interface is employed (*i.e.*, the physical information of the data link layer is employed). Because Fukutomi cannot be reasonably interpreted as disclosing or even suggesting this claim element, Applicant respectfully submits that the rejection should be withdrawn.

Furthermore and with respect to the Kime reference, Applicant notes that this reference was relied upon in the Office Action merely as alleged evidence of one or more limitations recited in dependent claims 6, 12, 20, and 26 of the present application. This reference, however, does not cure the above-discussed deficiencies of Siddiqi or Fukutomi, nor has the Office Action asserted that it does.

CONCLUSION

Because none of the references cited in the Office Action, either separately or in combination with each other, teaches or suggests all of the features recited in independent claims 1, 2, 7, 8, 15, 16, 21, and 22, Applicant submits that independent claims 1, 2, 7, 8, 15, 16, 21, and 22 are patentable over these cited references. Furthermore, because dependent claims 3-6, 9-14, 17-20, and 23-26 are each directly or indirectly dependent upon independent claims 1, 2, 7, 8, 15, 16, 21, and 22, Applicant submits that each of these claims are allowable for at least the same reasons discussed above, in addition to other reasons which Applicant reserves the right to argue at a later time if necessary.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By _____



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